



"The City With a Heart"

Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember

MINUTES

CITY COUNCIL MEETING

October 13, 2009

7:00 p.m.

A Reception was held in the City Hall Foyer at 6:45 p.m. to Recognize the Beautification Awards Program Award Recipients

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met in regular session on October 13, 2009 at San Bruno's City Hall, 567 El Camino Real, San Bruno, CA. The meeting was called to order at 7:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Franzella, Vice Mayor Ruane and Councilmembers O'Connell, Ibarra and Medina in attendance. Recording by Clerk Bonner. **Mayor Franzella** led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

a. **Mayor Franzella** announced the City's Annual Arbor Day Tree Planting Celebration will be held Saturday, October 17th at City Park, for More Details Go to the City Website.

b. **Mayor Franzella** said the Project Pride Committee Announces the Annual Halloween Parade to be held Friday, October 30, 2009 at the Shops at Tanforan beginning at 3:30 p.m.

c. **Mayor Franzella** announced the 13th Annual "Coats for Kids" Program is Collecting Clean Gently Used Coats for Distribution, at the Volunteer Firemen's Hall, 618 San Mateo Avenue on Thursday, November 19, 2009 from 4:00 to 7:00 p.m., for More Details Go to the City Website.

4. PRESENTATIONS:

a. **Mayor Franzella** announced The Beautification Task Force Presents the 2009 Thirteenth Annual San Bruno Beautification Awards Program and introduced Councilmember O'Connell.

Councilmember O'Connell introduced the members of the Beautification Task Force and explained how the Beautification Awards Program works. She introduced the winners of the beautification awards. **Mayor Franzella** thanked everyone who participated. **Councilmember Ibarra** thanked Councilmember O'Connell for her City tradition of the beautification awards.

b. **Mayor Franzella** introduced Dr. Scott Laurence, Superintendent of San Mateo Union High School District who talked a little about what the District was doing and he introduced Dr. David Pine who will be a liaison to the City.

5. REVIEW OF AGENDA: No changes.

6. APPROVAL OF MINUTES: Regular Council Meeting of September 8, 2009, approved as submitted.

7. CONSENT CALENDAR:

a. **Approve:** Payroll of September 13 and 27, 2009.

b. **Approve:** Accounts Payable of September 14, 21, and 27 and October 5, 2009.

c. **Adopt:** Resolution Authorizing the City Manager to Execute a Contract with San Mateo County's Aging and Adult Services Department's Area Agency on Aging Program for the City of San Bruno's Congregate Nutrition and Transportation Programs.

d. **Adopt:** Resolution Authorizing the City Manager to Execute a Contract with the San Mateo County Housing Department for \$50,000 of Federal Block Grant Funds for Accessibility Improvements in the Library.

e. **Adopt:** Resolution Amending Integrated Waste Management Services Franchise Agreement Contractor Name to Recology San Bruno.

M/S Medina/Ibarra to approve the consent calendar and passed with all ayes.

8. PUBLIC HEARINGS (Notices have been published, posted and mailed):

Waive Reading and Adopt Ordinance Establishing Temporary Moratorium on the Establishment and Operation of Medical Marijuana Collectives.

City Attorney Thompson gave a brief background and review of the staff report and asked for questions.

Councilmember O'Connell asked if a person has to reside in a City where a collective is located? **City Attorney Thompson** said if they were a qualified patient they could go to another City's collective.

Vice Mayor Ruane what will be the study? **Thompson** said comparative with other cities. She said what is the crime rate, is there an increase, are neighboring businesses affected, issues like that?

Councilmember Medina asked if there were limitations where they can be placed? **Thompson** said there is an opportunity to figure how close they would be to schools or zoning facilities? **Councilmember Medina** asked if a limitation could be put on how many? **Thompson** said she would research and let him know.

Councilmember Ibarra said he spoke with someone in South San Francisco and said they did not want encroachment into residential areas, but they have a lot of industrial. He said he would be interested in seeing what other cities similar to our City are doing.

Mayor Franzella said as part of the study of 45 days, will there be alternatives brought back to Council? **Thompson** asked if Council was suggesting staff come back with both? **Mayor Franzella** said they could come back with not finding a need for a continued moratorium but here is an ordinance and here are the restrictions which should be placed or you might say there is a need for a continuing moratorium and not 4/5th of the Council agrees, then there would not be a moratorium and then there should be some implementing guidelines and an ordinance on how staff would work with the then permitted use.

Mayor Franzella opened the public hearing.

Richard Silva said he would be happy to answer any questions and he would like to be the first in line to occupy a spot in San Bruno.

Mayor Franzella and **Vice Mayor Ruane** asked his occupation. **Silva** said he was a primary caregiver.

M/S Ruane/Medina to close the Public Hearing and passed with all ayes.

M/S Ibarra/Medina to waive the reading and passed with all ayes.

Councilmember Ibarra introduced the ordinance establishing a temporary moratorium and passed with a unanimous vote.

Mayor Franzella said this issue would come back to Council at the November 10 meeting.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Carolyn Livengood, Sheryl Dr. asked about signs? **Mayor Franzella** said citizens have been issued administrative citations and it is being addressed.

10. CONDUCT OF BUSINESS:

- a. Receive Quarterly Investment Report from City Treasurer.

City Treasurer Marty gave an update on the third quarter-balanced portfolio of the City of San Bruno. He said the dedicated efforts of San Mateo County have been aggressive.

- b. Adopt Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith.

Administrative Services Director O'Leary gave an overview of the staff report.

Councilmember Ibarra said whoever is financing this will reap the interest. **O'Leary** said the bond holders are getting it.

Mayor Franzella said having the cash we would still have the earning capability for the three-year period. **O'Leary** said anyone losing property tax is eligible for this program.

Ruane referring to redevelopment, he asked about the pass-throughs? **O'Leary** said pass-through agencies will be made whole.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote.

- c. Receive Oral Update on Development Activity.

Community Development Director Akin gave an overview of some of the development projects within the City.

Councilmember Ibarra asked if there have been questions regarding the vacancies around the Caltrain upgrade? He asked at what point does the City say enough is enough? **Akin** said there has been interest.

Medina said he appreciated the report. He asked it come back more often so the citizens can be updated on what is going on in their community.

- d. Adopt Resolution Confirming Existence of Public Emergency and Ratifying City Manager's Immediate Expenditure of Public Money to Safeguard Life, Health, Property, or Essential Public Services.

City Manager Jackson asked for Council's ratification and confirmation of an existence of a public emergency. She said this would come back to Council until the situation is resolved.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: None.

12. COMMENTS FROM COUNCIL MEMBERS:

Receive Oral Report from Councilmember O'Connell regarding her Attendance at the League of California Cities Annual Conference September 16-18, 2009. **Councilmember O'Connell** said the theme was going green and she had a lot of information to share for anyone who would be interested.

Councilmember Ibarra said a long-time resident, and 65-year member of the Lions' Club, Allen Johansen passed away last week and he wished his family well. On a happier note, he wished Mayor Franzella a happy birthday.

Mayor Franzella appointed Vice Mayor Ruane and Councilmember Medina to a sub-committee to look at shared services with Fire and Police.

13. CLOSED SESSION:

Mayor Franzella said they would be going into closed session with no reportable action.

a. Closed Session to Provide Direction to Legal Counsel Regarding Property Damage Claims. (Shelter Creek 9/18 Water Damage) (Cal. Gov't Code s. 54956.9(c).)

b. Closed Session to Provide Direction to Legal Counsel Regarding Potential Litigation. (Cal. Gov't Code 54956.9(b)(1).)

14. ADJOURNMENT:

Mayor Franzella closed the meeting at 8:30 p.m. The next regular City Council Meeting will be held on October 27, 2009 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
At the regular City Council Meeting of
October 27, 2009

Carol Bonner, City Clerk

Larry Franzella, Mayor